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February 14, 2008

BY FAX

Honorable Michael H. Dolinger
United States Magistrate Judge
United States District Courthouse
Southern District of New York
500 Pearl Street, Room 1670
New York, New York 10007

Re: Marvin Sanders v. New York City Department of Corrections, et al.
07 CV 3390 (SHS)(MHD)

Your Honor:

I am an Assistant Corporation Counsel in the Special Federal Litigation Division of the New York City Law Department and the attorney assigned to represent Martin Horn, Frank Squillante and Jerome Davis ("City defendants") in this matter. City defendants write to respectfully request a forty-five day enlargement of time solely to conduct plaintiff's deposition from February 29, 2008 until April 14, 2008. Plaintiff is proceeding *pro se*, City defendants do not possess his phone number and it is not listed on the docket sheet; therefore, he could not be contacted for his consent to this application.

Plaintiff's participation in this matter has been minimal since filing the complaint. Plaintiff did not attend the initial conference held before Your Honor on October 19, 2007. Following the initial conference, the undersigned received a phone call from a woman claiming to be a relative of plaintiff. When the undersigned returned the call there was no answer and City defendants have not heard from plaintiff or his relative to date. Notwithstanding, fact discovery has been largely completed. Defendants provided their responses pursuant to Local Rule 33.2 and have served plaintiff with a notice of deposition. However, City defendants anticipate difficulty in scheduling plaintiff's deposition within the time remaining for discovery, particularly in light of plaintiff's lack of communication with this office.

In light of the foregoing, City defendants respectfully request a forty-five day enlargement of time solely for the purpose of conducting plaintiff's deposition from February 29,

ENDORSED ORDER

If defendants have not yet noticed plaintiff's deposition (as seems to be implied by this letter), they are to do so by no later than February 18, 2008. All discovery is to be completed by March 31, 2008. Any potentially dispositive motion is to be served & filed by April 21, 2008. If

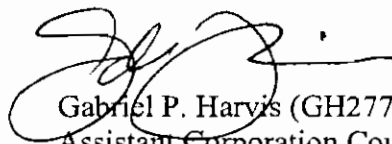
planned, the parties are to submit a joint pretrial order by April 30, 2008. *not a* *joint pretrial order by April 30, 2008.* *2/14/08*

2008 until April 14, 2008. No previous request for an enlargement of time to complete discovery has been made. In accordance with Your Honor's individual practices, City defendants respectfully propose the following Revised Scheduling Order for Your Honor's approval:

- Discovery due by April 14, 2008;
- Motions due by May 15, 2008; and
- Pretrial Order due by May 30, 2008.

Thank you for your consideration of this request.

Respectfully submitted,



Gabriel P. Harvis (GH2772)
Assistant Corporation Counsel

cc: Marvin Sanders (by Certified Mail, Return Receipt Requested)
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